IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Donald F. Gordon et al.

Serial No.: 09/679,210

Confirmation No.: 8170

Filed: 10/04/2000

For: METHOD AND SYSTEM FOR MULTICAST USING MULTIPLE TRANSPORT STREAMS

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Group Art Unit: 2617

Examiner: Shang, Annan Q

CERTIFICATE OF MAILING OR TRANSMISSION

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8/27/2007 Laura E Carter
Date Signature LAURA E CARTER

MAIL STOP APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REPLY TO EXAMINER'S ANSWER TO APPEAL BRIEF

Appellants submit this Reply to Examiner's Answer to Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2617, mailed June 20, 2005, finally rejecting claims 1-23. The final rejection of claims 1-23 is appealed. This Reply to Examiner's Answer to Appeal Brief is believed to be timely filed by the due date of August 27, 2007. The Commissioner is authorized to charge any fees required to make this Appeal Brief timely and acceptable to the Office, to counsel's Deposit Account No. 20-0782/SEDN/246CIP1.

The Examiner disagrees with Appellants' arguments regarding the various references. For example, the Examiner contends that the lack of interconnection noted by Appellants between IPG translator 225 and mux/modulator 250 is met by an intermediate connection via MPEG-2 encoder 220. However, this intermediate connection does not satisfy the claim element since, for example, there is no encoding of an IPG page by encoder 220 (only outputting of an IPG message).

Simply put, there is no need to perform IPG encoding within the context of the cited reference because the IPGT data is not image data; rather, the IPGT data being processed by the cited reference is standard prior art message data used, for example, to build a subscriber-side database, which database is accessed at the subscriber terminal to construct a graphical overlay of IPG data for a user. This is entirely different than the image-based IPG page of the present invention. The IPG pages of the present invention are still or moving images which are encoded using a video encoder such that end users display IPG imagery by decoding the video bitstream associated with a desired IPG page. Prior art program guides, including those of the cited references, provide a IPG data which is used to populate a database at the set-top terminal.

Specifically, referring to column 7, line 66 to column 8, line 32 it is stated that:

> "FIG. 2 illustrates an IPG system data flow at a satellite uplink site in accordance with the present invention. Details of the satellite MUX, modulator and encoder 100 are shown. IPG data is stored in an IPG data server 210 and provided to an IPG translator (IPGT) 220. The IPG translator 220 is a headend system which translates source data into IPG messages for downstream transmission to subscriber terminals.
>
> The IPG translator 220 also receives configuration data, which includes associated parameters such as time slot size, output bit rate, look-ahead time, high-level data link controller (HDLC) address, group channel map (including group ID and group name), source channel map (including source ID, source name, group affiliation, and national or global data indicator), and a region map (including region ID, region name, and list of source IDs). A source ID is a number uniquely assigned to each program source in the system, and is used as an identifying reference in the IPG database.
>
> The IPGT provides a continuous flow of IPG data at typically 20-200 kbps to a plurality of encoders, such as MPEG-2 encoders 1, . . . , N (220, . . . , 230). While MPEG-2 encoders are shown, other digital transport standards may be used. The encoders 220, . . . , 230 encode audio and video data from global and local programming services.

The encoders 220, . . . , 230 also receive Entitlement Management Message (EMM) data from a Subscriber Authorization Center (SAC) 240. This data, which is appended to the various programming services, authorizes the decoders to receive particular programming services, for example, according to a tiered marketing scheme.

The encoders 220 and 230 output the programming services, IPG data, and EMM data to a MUX and modulation function 250 to provide a signal which is suitable for transmission by the transmitter 110."

The above-quoted section of the reference clearly indicates that:

(1) The IPGT provides "IPG messages" to be (at most) passed through the encoders rather than imagery to be encoded by the encoders;

(2) The IPG messages cannot possibly be video imagery due to the insufficiency of a 20-200kbps data rate to support such imagery;

(3) The encoders only encode "audio and video data from global and local programming services," which cannot possibly include the IPGT messages; and that

(4) The only "processing" of encoders 220/230 with respect to IPG data (and programming services, EMM data etc.) is simply to "output" the data, rather than "encode" the data.

Therefore, it is respectfully noted that the claimed "IPG pages" are not met by the "IPG messages" of Eyer242, and that the claimed "encoding" of these "IPG pages" is not met by the pass-through or output functions of IPG messages by the encoders 220/230 of Eyer242. Similarly, the claimed structure is also not met by the Hendricks, Chaney and Eyer752 references.

Therefore, claim 1 is patentable over any of the cited references, either singly or in any combination. Since independent claims 18 and 20 include relevant limitations similar to those discussed above with respect to claim 1, it is respectfully submitted that independent claims 18 and 20 are also patentable over any of the cited references, either singly or in any combination. Finally, since all of the remaining claims depend, directly or indirectly, from claims 1, 18 or 20, all of these dependent claims are also patentable over any of the cited references, either singly or in any combination.

CONCLUSION

Appellants respectfully request that the Board reverse the rejections and pass the claims to allowance.

Respectfully submitted,

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